



SACHI A. HAMAI  
Chief Executive Officer

## County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration  
500 West Temple Street, Room 713, Los Angeles, California 90012  
(213) 974-1101  
<http://ceo.lacounty.gov>

May 10, 2016

Board of Supervisors  
HILDA L. SOLIS  
First District

MARK RIDLEY-THOMAS  
Second District

SHEILA KUEHL  
Third District

DON KNABE  
Fourth District

MICHAEL D. ANTONOVICH  
Fifth District

To: Supervisor Hilda L. Solis, Chair  
Supervisor Mark Ridley-Thomas  
Supervisor Sheila Kuehl  
Supervisor Don Knabe  
Supervisor Michael D. Antonovich

From: Sachi A. Hamai  
Chief Executive Officer

### SACRAMENTO UPDATE

#### Executive Summary

This memorandum contains reports on the following:

- **Status of County-Advocacy Legislation**
  - **County-supported ABX2 9 (Thurmond and Nazarian)** - related to tobacco-use prevention programs for charter schools, school districts, and county offices of education, was signed by the Governor on May 4, 2016.
  - **County-supported SBX2 5 (Leno)** - related to electronic cigarettes, was signed by the Governor on May 4, 2016.
- **Legislation of County Interest – Related to Tobacco.** A report on four tobacco-related measures to: 1) close loopholes for smoke-free workplaces; 2) authorize a county to impose a local tobacco tax; 3) increase retail license fees for cigarette and tobacco retailers, wholesalers and distributors; and 4) increase the minimum legal smoking age from 18 to 21 years of age.
- **Legislation of County Interest.** A report on **SB 1201 (Mitchell)** which would prohibit the California Department of Social Services, county adoption agencies, or licensed adoption agencies from approving a child for placement with a prospective adoptive parent or an adult living in the home convicted of a crime classified as a violent felony pursuant to the Penal Code, among other provisions.

---

*"To Enrich Lives Through Effective And Caring Service"*

*Please Conserve Paper – This Document and Copies are Two-Sided  
Intra-County Correspondence Sent Electronically Only*

### **Status of County-Advocacy Legislation**

**County-supported ABX2 9 (Thurmond and Nazarian)**, which as amended on March 3, 2016, would expand eligibility for funding of the tobacco use prevention program to charter schools, and require all school districts, charter schools and county offices of education receiving funding under the program to adopt on-campus tobacco-free policies for pupils and teachers, was signed by the Governor on May 4, 2016. This measure is Chapter 5, Statutes of 2016, and it becomes effective June 9, 2016.

**County-supported SBX2 5 (Leno)**, which as amended on March 2, 2016, would: 1) add electronic cigarettes to the definition of tobacco products; 2) exempt tobacco cessation products approved by the U.S. Food and Drug Administration from the definition of a tobacco product; 3) require childproof packaging for electronic cigarettes and cartridges; and 4) increase the annual fee for a tobacco retail license application from \$100 to \$265; among other provisions, was signed by the Governor on May 4, 2016. This measure is Chapter 7, Statutes of 2016, and it becomes effective June 9, 2016.

### **Legislation of County Interest Related to Tobacco**

**ABX2 7 (Stone)**, which as amended on March 3, 2016, would expand the prohibition on smoking in the workplace to: 1) prohibit smoking in owner-operated businesses in which the owner-operator is the only worker and there are no employees, independent contractors, or volunteers; and 2) prohibit smoking in hotel or motel lobbies, meeting and banquet rooms, warehouse facilities, covered parking lots, gaming clubs, and bars and taverns, was signed by the Governor on May 4, 2016. This measure is Chapter 4, Statutes of 2016, and it becomes effective June 9, 2016.

**ABX2 10 (Bloom)**, which as amended on March 3, 2016, would allow a county board of supervisors, on or after January 1, 2017, to impose a tax for the privilege of distributing or selling tobacco products, subject to voter approval, was vetoed by the Governor. In his veto message, the Governor stated that although California has one of the lowest cigarette tax rates in the nation, he was reluctant to approve ABX2 10 in light of all the taxes being proposed for the November 2016 ballot.

**ABX2 11 (Nazarian)**, which as amended on March 3, 2016, would: 1) increase the fee for the retail license paid by cigarette and tobacco retailers and change the one-time fee to an annual renewal for each retail location; and 2) increase the annual retail license fee paid by cigarette and tobacco manufacturers and distributors for every retail location, was signed by the Governor on May 4, 2016. This measure is Chapter 6, Statutes of 2016, and it becomes effective June 9, 2016.

**SBX2 7 (Hernandez)**, which as amended on March 2, 2016, would increase the minimum legal age to purchase or consume tobacco products, including electronic cigarettes, from 18 years of age to 21 years of age, with the exception of military personnel, was signed by the Governor on May 4, 2016. This measure is Chapter 8, Statutes of 2016, and it becomes effective June 9, 2016.

### **Legislation of County Interest**

**SB 1201 (Mitchell)**, which as amended on March 31, 2016, would prohibit the California Department of Social Services, county adoption agencies, or licensed adoption agencies from approving a child for placement with a prospective adoptive parent or an adult living in the home convicted of a crime classified as a violent felony pursuant to the Penal Code, among other provisions.

Current law requires the California Department of Social Services (CDSS), a county adoption agency, or a licensed adoption agency to require each person who files an application for adoption to be fingerprinted for a criminal records check to determine whether the person has been convicted of a crime other than a minor traffic violation. Existing law prohibits placing a child with a prospective adoptive parent or an adult living in the home who has been convicted of a felony for child abuse or neglect, spousal abuse, crimes against a child, or a crime involving violence, including rape, sexual assault, and homicide. A county welfare department is required to initiate a similar process to determine the suitability of the relatives or nonrelative extended family members of a child in need of placement.

Specifically, SB 1201 would: 1) prohibit a child from being placed in the home of a relative, nonrelative extended family member, foster, or resource family if the person has a felony conviction for specified crimes, including a crime against a child, or a crime involving violence; 2) require the county social worker and the court to consider criminal history when determining child placement if the criminal records check indicates that the person has been convicted of any other crime; and 3) continue to prohibit placement in a home with adults who have convictions for non-exemptible crimes for relatives and nonrelative extended family members identified as potential placements for children. However, for all other crimes, this bill would no longer require that an exemption be granted by the county, and the court and county would be required to conduct an analysis on the best interests of the child, including the nature of the crime, the period of time since the crime was committed, and the circumstances of the crime indicating the likelihood of future criminal activity.

Each Supervisor  
May 10, 2016  
Page 4

The Department of Children and Family Services (DCFS) and County Counsel agree with the intent of SB 1201 to narrow the list of disqualifying crimes that prevent otherwise appropriate relatives from providing foster care for their relative children. DCFS and County Counsel indicate that, currently, disqualifying homes in which a person has been convicted of non-child abuse related crimes, such as perjury, fraud, petty theft, and tagging, is overly restrictive and limits DCFS' ability to find suitable homes for children, and impedes the timely and permanent placement of children.

However, SB 1201 would eliminate certain crimes from the current list of crimes requiring exemptions that DCFS and County Counsel believe should remain on the list. SB 1201 could allow children to be placed with individuals who have been convicted of misdemeanor crimes against children, such as child pornography. DCFS and County Counsel also have concerns regarding the shift in authority for the placement approval process from the child welfare agency to the court under the bill. According to DCFS and County Counsel, this proposed shift could impact Title IV-E funding; and this potential fiscal impact is continuing to be assessed.

SB 1201 is supported by the Children's Law Center of California; Alliance for Children's Rights; Children's Advocacy Institute; Public Counsel; Advokids; California State Parents Teachers Association; John Burton Foundation for Children Without Homes; and the National Association of Social Workers. There is no known opposition on file.

SB 1201 is scheduled for a hearing in the Senate Appropriations Committee on May 16, 2016.

**This office will continue to work with DCFS and County Counsel to determine any further impact to the County from this bill, and work with the author of SB 1201 and key stakeholders to address the above concerns raised with this measure.**

We will continue to keep you advised.

SAH:JJ:MR  
VE:IGEA:lm

c: All Department Heads  
Legislative Strategist  
Local 721  
Coalition of County Unions  
California Contract Cities Association  
Independent Cities Association  
League of California Cities